

SECOND REGULAR SESSION

# SENATE BILL NO. 780

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR KLINDT.

Pre-filed December 27, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

4125S.011

## AN ACT

To amend chapter 386, RSMo, by adding thereto one new section relating to the public counsel.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 386, RSMo, is amended by adding thereto one new  
2 section, to be known as section 386.715, to read as follows:

**386.715. 1. The public counsel shall, prior to the beginning of  
2 each fiscal year, make available to the commission an estimate of the  
3 expenses to be incurred by the public counsel during such fiscal year,  
4 reasonably attributable to the regulation of public utilities as provided  
5 in this chapter and chapters 392 and 393, RSMo, and shall also  
6 separately estimate the amount of such expenses directly attributable  
7 to such regulation of each of the following groups of public utilities:  
8 electrical corporations, gas corporations, water corporations, heating  
9 companies, telephone corporations, telegraph corporations, sewer  
10 corporations, and any other public utility as defined in section 386.020,  
11 as well as the amount of such expenses not directly attributable to any  
12 such group.**

**13 2. For fiscal years 2008, 2009, and 2010, the public counsel shall  
14 allocate to each such group of public utilities a share of the estimated  
15 expenses for each year using the same allocation as the public service  
16 commission. For each fiscal year after fiscal year 2010, the public  
17 counsel shall allocate to each such group of public utilities the  
18 estimated expenses directly attributable to the regulation of such group  
19 and an amount equal to such proportion of the estimated expenses not  
20 directly attributable to any group as the gross intrastate operating  
21 revenues of such group during the three preceding calendar year bears**

22 to the total gross intrastate operating revenues of all public utilities  
23 subject to the jurisdiction of the commission, during such calendar  
24 years. The commission shall then assess, on behalf of the public  
25 counsel, the amount so allocated to each group of public utilities,  
26 subject to reduction as provided in this section, to the public utilities  
27 in such group in proportion to their respective gross intrastate  
28 operating revenues during the preceding calendar year. The total  
29 amount so assessed to all such public utilities shall not exceed two  
30 hundredths of one percent of the total gross intrastate operating  
31 revenues of all utilities subject to the jurisdiction of the  
32 commission. Notwithstanding subsection 2 of section 386.370 to the  
33 contrary, the total assessment for both the public counsel and the  
34 commission shall not exceed one-fourth of one percent of the total gross  
35 intrastate operating revenues of all utilities subject to the jurisdiction  
36 of the commission.

37 3. On behalf of the public counsel, the commission shall render  
38 a statement of such assessment to each such public utility on or before  
39 July first and the amount so assessed to each such public utility shall  
40 be paid by it to the director of revenue in full on or before July  
41 fifteenth next following the rendition of such statement, except that  
42 any such public utility may at its election pay such assessment in four  
43 equal installments not later than the following dates next following the  
44 rendition of said statement, to wit: July fifteenth, October fifteenth,  
45 January fifteenth and April fifteenth. The director of revenue shall  
46 remit such payments to the state treasurer.

47 4. The state treasurer shall credit such payments to a special  
48 fund, which is hereby created, to be known as "The Public Counsel  
49 Fund", which fund, or its successor fund created under section 33.571,  
50 RSMo, shall be devoted solely to the payment of expenditures actually  
51 incurred by the public counsel and attributable to the regulation of  
52 such public utilities subject to the jurisdiction of the commission. Any  
53 amount remaining in such special fund or its successor fund at the end  
54 of any fiscal year shall not revert to the general revenue fund, but shall  
55 be applicable by appropriation of the general assembly to the payment  
56 of such expenditures of the public counsel in the succeeding fiscal year  
57 and shall be applied by the public counsel to the reduction of the  
58 amount to be assessed to such public utilities in such succeeding fiscal

59 year, such reduction to be allocated to each group of public utilities in  
60 proportion to the respective gross intrastate operating revenues of the  
61 respective groups during the preceding calendar year.

62         5. In order to enable the public counsel to make the allocations  
63 and assessments provided for in this section, each public utility subject  
64 to the jurisdiction of the commission shall file with the commission on  
65 or before March thirty-first of each year, a statement under oath  
66 showing its gross intrastate operating revenues for the preceding  
67 calendar year, and if any public utility shall fail to file such statement  
68 within the time established in this subsection, the commission shall  
69 estimate such revenue and such estimate shall be binding on such  
70 public utility for the purpose of this section.

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Bill

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